

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

NORMA JANE MUNGUIA
8858 Statira Court
Elk Grove, CA 95624

Registered Nurse License No. 551811

Respondent


Case No. 2007-1174

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on September 4, 2007.

IT IS SO ORDERED August 2, 2007.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
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7 Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. 2007-1174

13 **NORMA JANE MUNGUA**
8858 Statira Court
14 Elk Grove, CA 95624

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

15 Registered Nurse License No. 551811

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Arthur D. Taggart, Supervising Deputy Attorney General.

24 2. Respondent Norma Jane Munguia is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about February 9, 1999, the Board of Registered Nursing issued
27 Registered Nurse License No. 551811 to Respondent Norma Jane Munguia. Said license will
28 expire on September 30, 2008, unless renewed.

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JURISDICTION

4. Accusation No. 2007-1174 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 3, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-1174 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-1174. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-1174.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

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1 **CONTINGENCY**

2 10. This stipulation shall be subject to approval by the Board of Registered
3 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
4 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
5 and settlement, without notice to or participation by Respondent. By signing the stipulation,
6 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
7 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
8 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
9 be of no force or effect, except for this paragraph it shall be inadmissible in any legal action
10 between the parties, and the Board shall not be disqualified from further action by having
11 considered this matter.

12 **OTHER MATTERS**

13 11. The parties understand and agree that facsimile copies of this Stipulated
14 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
15 force and effect as the originals.

16 **DISCIPLINARY ORDER**

17 In consideration of the foregoing admissions and stipulations, the parties agree
18 that the Board may, without further notice or formal proceeding, issue and enter the following
19 Disciplinary Order:

20 IT IS HEREBY ORDERED that Registered Nurse License No. 551811 issued to
21 Respondent Norma Jane Munguia is revoked. However, the revocation is stayed and Respondent
22 is placed on probation for three (3) years on the following terms and conditions.

23 **Severability Clause.** Each condition of probation contained herein is a separate
24 and distinct condition. If any condition of this Order, or any application thereof, is declared
25 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
26 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
27 and enforceable to the fullest extent permitted by law.

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1 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
2 A full and detailed account of any and all violations of law shall be reported by Respondent to
3 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
4 compliance with this condition, Respondent shall submit completed fingerprint forms and
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
6 as part of the licensure application process.

7 **Criminal Court Orders:** If Respondent is under criminal court orders, including
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10 2. **Comply with the Board's Probation Program.** Respondent shall fully
11 comply with the conditions of the Probation Program established by the Board and cooperate
12 with representatives of the Board in its monitoring and investigation of the Respondent's
13 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
14 within no more than 15 days of any address change and shall at all times maintain an active,
15 current license status with the Board, including during any period of suspension.

16 Upon successful completion of probation, Respondent's license shall be fully
17 restored.

18 3. **Report in Person.** Respondent, during the period of probation, shall
19 appear in person at interviews/meetings as directed by the Board or its designated
20 representatives.

21 4. **Residency, Practice, or Licensure Outside of State.** Periods of
22 residency or practice as a registered nurse outside of California shall not apply toward a reduction
23 of this probation time period. Respondent's probation is tolled, if and when she resides outside
24 of California. Respondent must provide written notice to the Board within 15 days of any change
25 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
26 returning to practice in this state.

27 Respondent shall provide a list of all states and territories where she has ever been
28 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further

1 provide information regarding the status of each license and any changes in such license status
2 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
3 new nursing license during the term of probation.

4 **5. Submit Written Reports.** Respondent, during the period of probation,
5 shall submit or cause to be submitted such written reports/declarations and verification of actions
6 under penalty of perjury, as required by the Board. These reports/declarations shall contain
7 statements relative to Respondent's compliance with all the conditions of the Board's Probation
8 Program. Respondent shall immediately execute all release of information forms as may be
9 required by the Board or its representatives.

10 Respondent shall provide a copy of this Decision to the nursing regulatory agency
11 in every state and territory in which she has a registered nurse license.

12 **6. Function as a Registered Nurse.** Respondent, during the period of
13 probation, shall engage in the practice of registered nursing in California for a minimum of 24
14 hours per week for 6 consecutive months or as determined by the Board.

15 For purposes of compliance with the section, "engage in the practice of registered
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18 The Board may require that advanced practice nurses engage in advanced practice
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
20 Board.

21 If Respondent has not complied with this condition during the probationary term,
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may
24 grant an extension of Respondent's probation period up to one year without further hearing in
25 order to comply with this condition. During the one year extension, all original conditions of
26 probation shall apply.

27 **7. Employment Approval and Reporting Requirements.** Respondent
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
2 performance evaluations and other employment related reports as a registered nurse upon request
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within
7 seventy-two (72) hours after she obtains any nursing or other health care related employment.
8 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
9 terminated or separated, regardless of cause, from any nursing, or other health care related
10 employment with a full explanation of the circumstances surrounding the termination or
11 separation.

12 8. **Supervision.** Respondent shall obtain prior approval from the Board
13 regarding Respondent's level of supervision and/or collaboration before commencing or
14 continuing any employment as a registered nurse, or education and training that includes patient
15 care.

16 Respondent shall practice only under the direct supervision of a registered nurse
17 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
18 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
19 are approved.

20 Respondent's level of supervision and/or collaboration may include, but is not
21 limited to the following:

22 (a) **Maximum** - The individual providing supervision and/or collaboration is
23 present in the patient care area or in any other work setting at all times.

24 (b) **Moderate** - The individual providing supervision and/or collaboration is in
25 the patient care unit or in any other work setting at least half the hours Respondent works.

26 (c) **Minimum** - The individual providing supervision and/or collaboration has
27 person-to-person communication with Respondent at least twice during each shift worked.

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1 (d) Home Health Care - If Respondent is approved to work in the home health
2 care setting, the individual providing supervision and/or collaboration shall have person-to-
3 person communication with Respondent as required by the Board each work day. Respondent
4 shall maintain telephone or other telecommunication contact with the individual providing
5 supervision and/or collaboration as required by the Board during each work day. The individual
6 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
7 site visits to patients' homes visited by Respondent with or without Respondent present.

8 9. **Employment Limitations.** Respondent shall not work for a nurse's
9 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
10 traveling nurse, or for an in-house nursing pool.

11 Respondent shall not work for a licensed home health agency as a visiting nurse
12 unless the registered nursing supervision and other protections for home visits have been
13 approved by the Board. Respondent shall not work in any other registered nursing occupation
14 where home visits are required.

15 Respondent shall not work in any health care setting as a supervisor of registered
16 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
17 nurses and/or unlicensed assistive personnel on a case-by-case basis.

18 Respondent shall not work as a faculty member in an approved school of nursing
19 or as an instructor in a Board approved continuing education program.

20 Respondent shall work only on a regularly assigned, identified and predetermined
21 work site(s) and shall not work in a float capacity.

22 If Respondent is working or intends to work in excess of 40 hours per week, the
23 Board may request documentation to determine whether there should be restrictions on the hours
24 of work.

25 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
26 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
27 than six months prior to the end of her probationary term.

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Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of Two Thousand Five Hundred Seventy-Eight Dollars and Fifty Cents (\$2,578.50). Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. **Violation of Probation.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

13. **License Surrender.** During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to

1 take any other action deemed appropriate and reasonable under the circumstances, without
2 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
3 will no longer be subject to the conditions of probation.

4 Surrender of Respondent's license shall be considered a disciplinary action and
5 shall become a part of Respondent's license history with the Board. A registered nurse whose
6 license has been surrendered may petition the Board for reinstatement no sooner than the
7 following minimum periods from the effective date of the disciplinary decision:

8 (1) Two years for reinstatement of a license that was surrendered for any
9 reason other than a mental or physical illness; or

10 (2) One year for a license surrendered for a mental or physical illness.

11 14. **Physical Examination.** Within 45 days of the effective date of this
12 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
13 physician assistant, who is approved by the Board before the assessment is performed, submit an
14 assessment of the Respondent's physical condition and capability to perform the duties of a
15 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
16 medically determined, a recommended treatment program will be instituted and followed by the
17 Respondent with the physician, nurse practitioner, or physician assistant providing written
18 reports to the Board on forms provided by the Board.

19 If Respondent is determined to be unable to practice safely as a registered nurse,
20 the licensed physician, nurse practitioner, or physician assistant making this determination shall
21 immediately notify the Board and Respondent by telephone, and the Board shall request that the
22 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
23 shall immediately cease practice and shall not resume practice until notified by the Board.
24 During this period of suspension, Respondent shall not engage in any practice for which a license
25 issued by the Board is required until the Board has notified Respondent that a medical
26 determination permits Respondent to resume practice. This period of suspension will not apply
27 to the reduction of this probationary time period.

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1 If Respondent fails to have the above assessment submitted to the Board within
2 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
3 practice until notified by the Board. This period of suspension will not apply to the reduction of
4 this probationary time period. The Board may waive or postpone this suspension only if
5 significant, documented evidence of mitigation is provided. Such evidence must establish good
6 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
7 provided. Only one such waiver or extension may be permitted.

8 **15. Participate in Treatment/Rehabilitation Program for Chemical**
9 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
10 period or shall have successfully completed prior to commencement of probation a Board-
11 approved treatment/rehabilitation program of at least six months duration. As required, reports
12 shall be submitted by the program on forms provided by the Board. If Respondent has not
13 completed a Board-approved treatment/rehabilitation program prior to commencement of
14 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
15 a program. If a program is not successfully completed within the first nine months of probation,
16 the Board shall consider Respondent in violation of probation.

17 Based on Board recommendation, each week Respondent shall be required to
18 attend at least one, but no more than five 12-Step recovery meetings or equivalent (e.g., Narcotics
19 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
20 by the Board. If a nurse support group is not available, an additional 12-Step meeting or
21 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
22 such attendance to the Board during the entire period of probation. Respondent shall continue
23 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
24 mental health examiner and/or other ongoing recovery groups.

25 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
26 shall completely abstain from the possession, injection or consumption by any route of all
27 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
28 the same are ordered by a health care professional legally authorized to do so as part of

1 documented medical treatment. Respondent shall have sent to the Board, in writing and within
2 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
3 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
4 medication will no longer be required, and the effect on the recovery plan, if appropriate.

5 Respondent shall identify for the Board a single physician, nurse practitioner or
6 physician assistant who shall be aware of Respondent's history of substance abuse and will
7 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
8 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
9 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
10 condition. If any substances considered addictive have been prescribed, the report shall identify a
11 program for the time limited use of any such substances.

12 The Board may require the single coordinating physician, nurse practitioner, or
13 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
14 addictive medicine.

15 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
16 participate in a random, biological fluid testing or a drug screening program which the Board
17 approves. The length of time and frequency will be subject to approval by the Board.
18 Respondent is responsible for keeping the Board informed of Respondent's current telephone
19 number at all times. Respondent shall also ensure that messages may be left at the telephone
20 number when she is not available and ensure that reports are submitted directly by the testing
21 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
22 to the Board by the program and Respondent shall be considered in violation of probation.

23 In addition, Respondent, at any time during the period of probation, shall fully
24 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
25 tests and samples as the Board or its representatives may require for the detection of alcohol,
26 narcotics, hypnotics, dangerous drugs, or other controlled substances.

27 If Respondent has a positive drug screen for any substance not legally authorized
28 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the

1 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
2 from practice pending the final decision on the petition to revoke probation or the accusation.
3 This period of suspension will not apply to the reduction of this probationary time period.

4 If Respondent fails to participate in a random, biological fluid testing or drug
5 screening program within the specified time frame, Respondent shall immediately cease practice
6 and shall not resume practice until notified by the Board. After taking into account documented
7 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
8 Board may suspend Respondent from practice pending the final decision on the petition to
9 revoke probation or the accusation. This period of suspension will not apply to the reduction of
10 this probationary time period.

11 18. **Mental Health Examination.** Respondent shall, within 45 days of the
12 effective date of this Decision, have a mental health examination including psychological testing
13 as appropriate to determine her capability to perform the duties of a registered nurse. The
14 examination will be performed by a psychiatrist, psychologist or other licensed mental health
15 practitioner approved by the Board. The examining mental health practitioner will submit a
16 written report of that assessment and recommendations to the Board. All costs are the
17 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
18 result of the mental health examination will be instituted and followed by Respondent.

19 If Respondent is determined to be unable to practice safely as a registered nurse,
20 the licensed mental health care practitioner making this determination shall immediately notify
21 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
22 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
23 practice and may not resume practice until notified by the Board. During this period of
24 suspension, Respondent shall not engage in any practice for which a license issued by the Board
25 is required, until the Board has notified Respondent that a mental health determination permits
26 Respondent to resume practice. This period of suspension will not apply to the reduction of this
27 probationary time period.

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1 If Respondent fails to have the above assessment submitted to the Board within
2 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
3 practice until notified by the Board. This period of suspension will not apply to the reduction of
4 this probationary time period. The Board may waive or postpone this suspension only if
5 significant, documented evidence of mitigation is provided. Such evidence must establish good
6 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
7 provided. Only one such waiver or extension may be permitted.

8 **19. Therapy or Counseling Program.** Respondent, at her expense, shall
9 participate in an ongoing counseling program until such time as the Board releases her from this
10 requirement and only upon the recommendation of the counselor. Written progress reports from
11 the counselor will be required at various intervals.

12 **ACCEPTANCE**

13 I have carefully read the Stipulated Settlement and Disciplinary Order. I
14 understand that I have a right to counsel at my own expense, and I waive this right. I understand
15 the stipulation and the effect it will have on my Register Nurse License. I enter into this
16 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
17 to be bound by the Decision and Order of the Board of Registered Nursing.

18 DATED: April 18 2007.

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20 *Norma Jane Munguia*
21 NORMA JANE MUNGUIA
 Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 4/23/07

EDMUND G. BROWN JR., Attorney General
of the State of California


ARTHUR D. TAGGART
Supervising Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2006102657
10327188.wpd

Exhibit A

Accusation No. 2007-1174

7-0011

1 BILL LOCKYER, Attorney General
of the State of California
2 ARTHUR TAGGART
Deputy Attorney General
3 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
4 California Department of Justice
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6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643

7 Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007-114

12 NORMA JANE MUNGUIA
13 8858 Statira Court
14 Elk Grove, CA 95624

ACCUSATION

15 Registered Nurse License No. 551811

16 Respondent.

17 Complainant alleges:

18 PARTIES

- 19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing.
21 2. On or about February 9, 1999, the Board of Registered Nursing issued
22 Registered Nurse License Number 551811 to Norma Jane Munguia (Respondent). Said license
23 will expire on September 30, 2008, unless renewed.

24 JURISDICTION

- 25 3. This Accusation is brought before the Board of Registered Nursing, under
26 the authority of the following laws. All section references are to the Business and Professions
27 Code unless otherwise indicated.

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1 “(b) Use any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
3 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
4 injurious to himself or herself, any other person, or the public or to the extent that such use
5 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
6 license.

7 “(c) Be convicted of a criminal offense involving the prescription, consumption,
8 or self-administration of any of the substances described in subdivisions (a) and (b) of this
9 section, or the possession of, or falsification of a record pertaining to, the substances described in
10 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
11 thereof.

12 “(d) Be committed or confined by a court of competent jurisdiction for
13 intemperate use of or addiction to the use of any of the substances described in subdivisions (a)
14 and (b) of this section, in which event the court order of commitment or confinement is prima
15 facie evidence of such commitment or confinement.”

16 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
17 request the administrative law judge to direct a licensee found to have committed a violation or
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
19 and enforcement of the case.

20 FIRST CAUSE FOR DISCIPLINE

21 (Criminal convictions)

22 8. Respondent is subject to disciplinary action under sections 2761(a) and (f),
23 and 2762 (c) for unprofessional conduct in that she was convicted of crimes substantially related
24 to the qualifications, functions, and duties of a registered nurse. The circumstances are as
25 follows:

26 A. On or about December 21, 2004, in *People v. Norma Jane Munguia*;
27 Sacramento Superior Court; Case No. 04T05601, respondent entered a plea of nolo contendere to
28 a violation of Vehicle Code section 2152(b) a misdemeanor (driving a vehicle while having a .08

1 percent and more, by weight of alcohol).

2 The circumstances were that on or about November 3, 2004, respondent
3 willfully and unlawfully, while having 0.08 percent and more, by weight, of alcohol in her blood,
4 drove a vehicle.

5 B. On or about April 4, 2005, in *People v. Norma Jane Munguia aka Norma*
6 *Jane Garcia aka Norma Jane Hernandez*, Placer County Superior Court; Case No. 62-048273,
7 respondent entered a plea of nolo contendere to a violation of Vehicle Code Section 23152(a), a
8 misdemeanor, (driving under the influence of alcohol or drugs).

9 The circumstances were that on or about December 7, 2004, respondent
10 willfully and unlawfully, while under the influence of an alcoholic beverage and/or a drug and/or
11 under their combined influence, drove a vehicle.

12 C. On or about May 2, 2006, in *People v. Norma Munguia*; Placer County
13 Superior Court; Case No. 62-058090, respondent entered a plea of nolo contendere to a violation
14 of Vehicle Code section 23152(b), a misdemeanor, (driving a vehicle while having a .08 percent
15 and more, by weight of alcohol) and a violation of Vehicle Code section 14601(a), a
16 misdemeanor, (driving with a suspended license), and enhancements under Vehicle Code
17 sections 23578 (blood alcohol content of 0.15% and higher) and 23546 (third DUI offense).

18 The circumstances were that on or about January 20, 2006, respondent
19 willfully and unlawfully drove a vehicle while having a blood alcohol content of 0.15% and
20 higher. At the time of the incident respondent's driving privilege was suspended or revoked for
21 driving under the influence of an alcoholic beverage and a drug, and their combined influence.

22 On June 13, 2006, respondent was sentenced to 180 days in the Placer County Jail
23 along with a formal probation for a period of five years with various terms and conditions of
24 probation.

25 SECOND CAUSE FOR DISCIPLINE

26 (Use of Alcohol to an Extent Dangerous to Self or Others)

27 9. Respondent is subject to disciplinary action under section 2762(b) for use
28 of alcohol in a manner dangerous or injurious to herself or any other person or to the extent that

1 ///

2 such use impairs her ability to conduct with safety the practice authorized by her license. The
3 circumstances are detailed above in paragraphs 8 A, B, and C, above.

4 SECOND CAUSE FOR DISCIPLINE

5 (Commitment for Intemperate Use of Alcohol)

6 10. Respondent is subject to disciplinary action under section 2762(d) in that
7 she was committed or confined by a court of competent jurisdiction for intemperate use of
8 alcohol in that she was incarcerated as a result of her third conviction as set forth in paragraph
9 8 C, above.

10 PRAYER

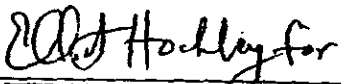
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 551811, issued
14 to Norma Jane Munguia.

15 2. Ordering Norma Jane Munguia to pay the Board the reasonable costs of
16 the investigation and enforcement of this case, pursuant to Business and Professions Code
17 section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 10/26/2006

21
22 
23 RUTH ANN TERRY, M.P.H., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 State of California
27 Complainant
28